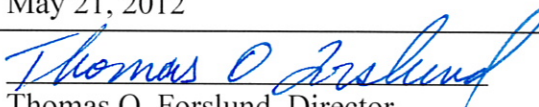
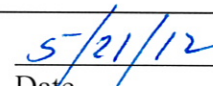


Thomas O. Forslund, Director

Governor Matthew H. Mead

Policy Title:	Personal Use of Social Media
Policy Number:	S-021
Effective Date:	May 21, 2012
Approval:	 Thomas O. Forslund, Director <div style="display: inline-block; vertical-align: bottom; text-align: center;">  Date </div>

Purpose: The Wyoming Department of Health (WDH) is a covered entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). As a covered entity, the WDH must implement privacy policies that limit the intentional and/or unintentional use or disclosure of protected health information (PHI) in violation of the HIPAA privacy rules. The WDH must also attempt to limit unintentional disclosures that are incidental to an otherwise lawful purpose. This policy furthers these goals by establishing expectations for WDH workforce members' personal use of social media.

Scope: This policy applies to workforce members posting to their own sites or commenting on other sites.

Policy:

1. **Social Media:** Refers to any user-generated content or online network such as Facebook, LinkedIn, MySpace, Twitter, YouTube, or other similar Internet-based social interaction forum.
2. **Personal Participation:** The WDH respects the legal rights of its workforce. In general, what workforce members do on their own time is their business. However, employees are reminded that they should always avoid conduct that compromises the integrity of their office or creates the appearance of impropriety. When WDH workforce members chooses to participate in social media, and their association with the WDH is apparent, workforce members shall behave in ways that are consistent with all Wyoming Executive Orders, State and WDH policies.
3. **WDH Workforce Members:**
 - a. Shall not use or disclose any clients' PHI on any personal social media site for any purpose. Prohibited uses and disclosures common to social media include, but are not limited to, posting images on social media sites or commenting on clients' health.
 - i. Posting WDH clients' PHI on any social media site in contravention of this policy will be investigated by the WDH HIPAA Compliance Office.

NOTE: WDH Employees are encouraged to remember that identities can often be pieced together with very little additional public information.
 - b. Shall not use social media sites to provide medical advice or medical commentary, or to make or recommend referrals.

- c. Are strongly discouraged against communication with current or past clients/patients on social media websites. Workforce members in patient care roles should not initiate or accept communication/access with past or present clients/patients requests except in unusual circumstances (i.e., a demonstratable in-person friendship pre-dates the treatment relationship).
- 4. **Violation:** Violation of this policy will be dealt with appropriately and may include formal discipline, including termination as an employee of the WDH.
- 5. **Best Practices:** In order to ensure compliance, the WDH offers the following recommendations for compliance with this policy:
 - a. Be professional. Use good judgment; be accurate and honest in communications. Be respectful and professional to fellow employees, WDH business partners, and competitors.
 - b. Ensure social media activity does not interfere with work commitments.
 - c. The WDH does not endorse people, products, services, or organizations. On social media websites such as LinkedIn, where your affiliation to the WDH is known, professional recommendations should not be given or requested.
 - d. The WDH's name or logo should not be placed on workforce members' personal social media sites.
 - e. Be aware that perception is often equated with reality. Be aware of your association with the WDH when using social media. If you identify yourself as a WDH workforce member, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and clients. In social media, the lines between public and private, personal and professional are blurred. By identifying yourself as a WDH workforce member, you are creating perceptions about both the WDH and yourself when your commentary/postings are viewed by WDH clients/patients, the general public and your colleagues. Be sure all content associated with you is consistent with your work and WDH professional standards.
 - f. If you have any questions or concerns about your own, or another WDH employee's use of PHI, contact the HIPAA Compliance Office for more information or guidance.

References:

- 45 CFR 164.308(a)(B)
- 45 CFR 164.502(a)
- S-012: Workstation Use and Workstation Security
- AS-003: Use and Disclosure
- AS-004: Minimum Necessary Information
- AS-008 Enforcement, Sanctions and Penalties
- 2100-G0010: Guidelines for Use of Social Media, Department of Enterprise Technology Services, Policies and Standards
- 2100-P010. Social Media Use Policy, Department of Enterprise Technology Services, Policies and Standards
- Executive Orders:
 - 1997-4: Ethics and Code of Conduct
 - 2000-4: Anti-Discrimination
 - 2001-1: Workforce Violence
 - 1997-10: Internetworking Acceptable Use

Wyo. Stat. Ann §§ 9-13-101 through 9-13-109
Title VII of the Civil Rights Act
General Tort Principles

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